

REMARKS

Claims 1-6, 12-21, 23-28, 30 and 32-35 are currently pending in this application, with Claims 4-6 being withdrawn as being drawn to the non-elected species. Claims 4-6 should be rejoined and allowed when independent Claim 1 is allowed. By this Amendment, independent Claims 1, 24 and 28 are amended. Support for the amendments can be found, for example, in Fig. 1. No new matter is added. The amended claims are readable on the elected species.

Applicants appreciate the courtesies extended to Applicants' representative by Examiner Hoekstra during the October 28, 2008 personal interview. The reasons warranting favorable action discussed during the interview are incorporated into the following remarks and constitute Applicants' separate record of the substance of the interview.

Independent Claims 1, 24 and 28 are the only independent claims under consideration. The Official Action rejects independent Claims 1, 24 and 28 under 35 U.S.C. §103(a) over U.S. Patent No. 6,001,068 to Uchino et al. ("Uchino") in view of U.S. Patent No. 6,702,762 over Jafari et al. ("Jafari"). The rejection is respectfully traversed.

Claims 1 and 24 recite, in combination with other claimed features, a first wire made from a reshapable and non-super elastic metal material, and a second wire made from a pseudo elastic alloy. The first wire is configured to be plastically deformed to a desired shape and maintained in the desired shape upon being bent in the desired shape by a user. The first wire is not a coil. A proximal tip of the first wire and a distal tip of the second wire are welded to each other at a welded portion.

Claim 28 recites, in combination with other claimed features, a first wire made from a reshapable metal material, and a second wire made from a pseudo elastic alloy. The first wire is not a coil. A proximal tip of the first wire and a distal tip of the second wire are welded to each other at a welded portion.

The Official Action acknowledges that Uchino's x-ray contrast material 112, 66, 81 is not configured to be plastically deformed to a desired shape and maintained in the desired shape upon being bent in the desired shape by a user, as recited in independent Claims 1, 24 and 28, and that the x-ray contrast material 112, 66, 81 is a coil. However, the Official Action takes the position that Jafari discloses a wire that is not a coil and is plastically deformed to a desired shape and maintained in the desired shape upon being bent in the desired shape by a user. Jafari discloses a guide wire 20 having a shapeable member 70 secured to a distal core section 30 by a solder or weld bead 82 (see Fig. 1 and col. 3, lines 49-52). The Official Action is of the opinion that the shapeable member 70 corresponds to the claimed first wire, and that it would have been obvious to modify Uchino's guide wire by substituting the x-ray contrast material 112, 66, 81 with Jafari's shapeable member 70 to result in Applicants' claimed combination of features.

Contrary to the observation in the Official Action, Uchino's x-ray contrast material 112 and first wire A cannot reasonably be interpreted to correspond to the claimed first and second wires, respectively. The reason is because independent Claims 1, 24 and 28 recite that the proximal end of the first wire and the distal end of the second wire are welded to each other. Uchino's x-ray contrast material 112 and first wire A are not welded to each other. In addition, the x-ray contrast material 112 in Uchino is embedded in the resin coating 113 and so there is no need to weld the

contrast material 112. Uchino's discussion in the top half of column 7 and column 8 concerning welding only pertains to the wires A and B. In this regard, even if Uchino's contrast material 112 was replaced by Jafari's shapeable member 70, the resulting guide wire would not be the same as the guide wire recited in Claims 1, 24 and 28 because the shapeable member 70 would be connected to the wire A by the resin coating 113 and not by the weld recited in Claims 1, 24 and 28.

Though applicant continues to believe in the soundness of the arguments summarized above and discussed during the interview, the undersigned and the Examiner also discussed during the interview claim language that would further distinguish over the prior art. In this regard, and as tentatively agreed during the interview, even if Uchino's guide wire was modified to include the Jafari's shapeable member 70, the modified guide wire would not possess the combination of features now recited in the independent claims. As shown in Fig. 1 of Jafari, the proximal tip of Jafari's shapeable member 70 is secured to the solder or weld bead 82 at a point that is more proximal than the rounded distal extremity 78 ("tip") of distal end 34 of the distal core section 30 (said to correspond to the claimed second wire). The proximal tip of shapeable member 70 is not secured to the distal core section 30 at the rounded distal extremity 78 (distal "tip") of the distal core section 30. Therefore, as tentatively agreed during the interview, modifying Uchino's guide wire to include Jafari's shapeable member 70 would not have resulted in a guide wire comprising, in combination with the other features set forth in Claims 1, 24 and 28, the proximal tip of the first wire and the distal tip of the second wire being welded to each other at a welded portion.

Thus, the combination of Uchino and Jafari does not disclose, and would not have rendered obvious the combination of features recited in independent Claims 1, 24 and 28. As such, independent Claims 1, 24 and 28 are patentable over the combination of Uchino and Jafari. Therefore, withdrawal of the rejection of the independent claims is respectfully requested.

During the personal interview, Examiner Hoekstra agreed that the amended versions of Claims 1, 24 and 28 encompass the embodiments shown in Figs. 7 and 8 of the present application.

Claims 2, 3, 12-21, 23, 25-27, 30 and 32-35 are patentable at least by virtue of their dependence from allowable independent Claims 1 and 24, respectively. For example, the combination of applied references would not have rendered obvious that the first wire and the second wire are coaxial, as recited in claim 25. The ordinary meaning of "coaxial" is sharing a common axis. One skilled in the art would understand that the axis of Uchino's wire A extends in a direction from the distal end of wire A to a proximal end of wire A. If Uchino's guide wire were modified to substitute the x-ray contrast material 112, 66, 81 with Jafari's shapeable member 70, as proposed by the Official Action, the shapeable member 70 would be disposed on a circumferential side of the Uchino's wire A, rather than on the axial end of wire A. As such, the axis of the shapeable member 70 would be different from the axis of wire A. Thus, the shapeable member 70 and the wire A would not share a common axis. Therefore, Uchino's modified guide wire would not have resulted in the first wire and the second wire being coaxial, as recited in claim 25. U.S. Patent No. 5,769,796 to Palermo et al. ("Palermo") fails to overcome the deficiencies of Uchino

and Jafari. Accordingly, claim 25 is patentable over the applied references for this additional reason.

Early and favorable action with respect to this application is respectfully requested.

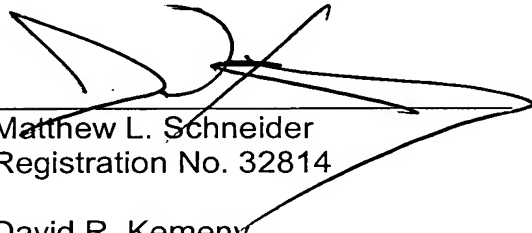
Should any questions arise in connection with this application, or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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